



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

September 28, 2020

VIA EMAIL ONLY

MEMORANDUM

SUBJECT: Transition of Lead Authority for the Tronox Navajo Area Uranium Mines Sections 32 and 33 Mines Site

FROM: Ken McQueen, Regional Administrator
U.S. EPA, Region 6

A handwritten signature in black ink, reading "Ken McQueen", is placed to the right of the "FROM:" line.

TO: John Busterud, Regional Administrator
U.S. EPA, Region 9

The Tronox Navajo Area Uranium Mines (NAUM) Sections 32 and 33 Mines Site, in the Smith Lake Mining Sub-district (SLSD) of the Grants Mining District (GMD), McKinley County, New Mexico is a cross-boundary site. The area of contamination is located partly on private land in New Mexico under the jurisdiction of EPA Region 6 (Section 33) and partly on adjacent Navajo allotment land under the jurisdiction of EPA Region 9 (Section 32). EPA Region 6 and EPA Region 9 had previously agreed that Region 6 would be the designated lead for a Non-Time Critical Removal Action (NTRCA) at the Site in accordance with the NCP requirements for multi-regional responses (40 CFR § 300.140). This memorandum transfers the lead designation for the Site to EPA Region 9 to implement the cleanup and complete all commitments to the Office of Inspector General (OIG) related to this Site.

EPA Region 9 conducted a limited Removal Assessment and a Time Critical Removal Action on this Site in 2012 to address the visible contamination associated with the mine on Section 32, containing the waste in a designed and secured interim stockpile. These actions were completed prior to the Tronox NAUM settlement. Since these mines were listed in the Tronox NAUM settlement, EPA Region 6 revisited them to conduct a more comprehensive Removal Site Evaluation (RSE) in order to be consistent in approach with other Tronox mines. Due to the presence of residents on the Navajo allotment on Section 32, and recognizing the need to address their concerns, the Tronox NAUM Stakeholder Group (Navajo Nation, EPA Region 9, EPA Region 6, New Mexico Mining and Minerals Department, New Mexico Environment Department) agreed to fast-track this Site and remove it from the Tronox NAUM prioritization methodology in order to conduct a removal prior to the completion of the Engineering Evaluation/Cost Analyses (EE/CAs) at the other Tronox NAUM sites.

In order to fulfill the Stakeholder agreement and the commitment to the OIG, EPA Region 6 initiated the EE/CA process to evaluate alternatives for a final remedy for the stockpiled waste on Section 32 and the unconsolidated mine waste on Section 33 and other Site wastes above risk-based action levels. EPA Region 6 also drafted an Alternative Analysis Memo (AAM) to solicit comments before finalizing the

draft final EE/CA. The AAM reflects EPA Region 6's initial evaluation of the cleanup alternatives without identifying a preferred alternative to allow the Tronox NAUM Stakeholders to provide written comments. The AAM for the Site was provided to Region 9 on July 13, 2020.

Due to the presence of residents at the Site, differences in the overall schedule of assessment and clean-up actions for NAUM sites between Regions 6 and 9, tribal concerns expressed by the Navajo Nation, and the benefit of EPA Region 9's existing working relationship with the Navajo Nation, EPA Region 6 is hereby transferring the lead authority for this Site to EPA Region 9 to facilitate response action at the Site. EPA Region 6 has already provided the RSE and the draft AAM to EPA Region 9 staff. Data collected during field activities will be provided to Region 9 once Region 9 has identified a preferred method of data transfer.

As noted above, a portion of the site contamination is located on private land in New Mexico. Region 6 will continue to support Region 9 in coordinating communications with the state of New Mexico. Please have your staff contact Kevin Shade at (214) 665-2708 or shade.kevin@epa.gov if they have any questions.